



**City of Santa Barbara**  
Community Development Department

**Memorandum**

**DATE:** April 9, 2010

**TO:** Historic Landmarks Commission

**FROM:** Jaime Limón, Senior Planner

**SUBJECT:** **SBMC Project Extension and Expiration Procedures- Proposed Ordinance Amendments**  
Neighborhood Preservation Ordinance Two-Year Review

Staff is proposing to amend Municipal Code sections 22.22.180, 22.68.110, and 22.69.090 to clarify how Design Review expirations are handled for projects, in particular for projects with multiple approvals and at the Final Approval timeline. The proposed project expiration and extension provisions will affect all HLC, ABR and SFDB projects, including commercial and multi-family HLC projects.

Since, current regulations in the above referenced municipal code sections only speak to expirations and time extensions involving Final Approvals. Staff is proposing to add ordinance language into these sections to clarify extensions for Preliminary Approvals. Information and guidance on these types of extension is currently located only in the guidelines for each review body.

**Excerpt from Historic Landmarks Commission's Rules and Regulations**

**G. ACTION, APPEALS AND EXPIRATION OF APPROVAL**

1. **TIME LIMITS ON APPROVALS:** Conceptual comments are valid for one year. HLC Preliminary approval is valid for one year from the date of the approval unless a time extension or Final approval has been granted. Final approval is valid for two years from the date of Final action unless a time extension has been granted or a Building Permit has been issued.

## PROPOSED ORDINANCE AMENDMENTS

### 22.22.180 Expiration of Approval.

A. **CONCEPT REVIEW.** Conceptual comments by the Commission are valid for one year from the date of the last conceptual review.

#### **B. PRELIMINARY APPROVAL.**

1. **One Year Expiration.** A preliminary approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Commission or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

#### **C. FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

**3. Extensions by the Commission.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

**4. Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Historic Landmarks Commission or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

**D. EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.